

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda, US Pub. No. 2002/0138832, in view of Hughes et al., US Patent 6,288,688, and further in view of Lindstrom, US Patent 5,029,014.

Regarding claim 1, Svoboda discloses a method for displaying video advertisements at a plurality of geographically separated theaters [paragraph 21, 23, 25 (advertising server 120 is connected to theatres 150) & Figure 1]; storing a library of video advertisements at a clearing house remote from the theaters [Paragraph 21; Figure 1 (120 is a database of advertisements)]; connecting the clearing house to the theaters through a network [Paragraph 22 lines 1-4; Figure 1 – advertising server 110 contains database of advertisements 120]; transmitting video advertisements to the theaters over the network [Paragraph 23 lines 1-5; Figure 1].

Svoboda does not disclose transmitting display schedules of the transmitted video advertisements to the theaters over the network.

Hughes et al. teach transmitting display schedules of the transmitted advertisements to elevators over a computer network [col. 5 lines 12-25; claim 20];

Displaying the advertisements according to the transmitted schedule, based on the demographics of the viewership [col. 6 lines 63-65; col.1 lines 58-67 and col.2 lines 1-20].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the scheme disclosed by Hughes et al. in a theater environment. Hughes et al. supplies the motivation for the above modification: "What is needed, then, is a method and apparatus for controlling on a large scale the distribution and control of advertisements..." (col. 3 lines 8-10).

Hughes et al. and Svoboda do not teach substituting the transmitted video advertisements for the feature film being projected at said theater so the transmitted video advertisements are displayed on the screen according to the schedules.

Lindstrom discloses substituting advertisement material for video signals by superimposing the advertisements over the accessed video signals [col. 5 lines 7-16] according to an advertisement schedule [col. 2 lines 58-65].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the scheme disclosed by Lindstrom in a cinema. The motivation would have been to provide economic and automatic insertion of advertisements into a scheduled broadcast transmission, such as a transmission to a cinema [col. 2 lines 25-31].

Regarding Claim 2, Svoboda discloses connecting to the advertising database via the internet [Paragraph 11].

Regarding claim 14, Lindstrom discloses substituting advertisement material for video signals [col. 5 lines 7-16] according to an advertisement schedule [col. 2 lines 58-65].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the scheme disclosed by Lindstrom in a cinema environment. The motivation would have been to better provide economically and automatically scheduling of advertisements into a scheduled broadcast transmission, such as a transmission to a cinema [col. 2 lines 25-31].

Regarding claim 16, Svoboda discloses a method for displaying video advertisements at a plurality of geographically separated theaters that are playing motion pictures [paragraph 21, 23, 25 (advertising server 120 is connected to theatres 150) & Figure 1]; storing a library of video advertisements at a clearing house remote from the theaters [Paragraph 21; Figure 1 (120 is a database of advertisements)]; connecting the clearing house to the theaters through a network [Paragraph 22 lines 1-4; Figure 1 – advertising server 110 contains database of advertisements 120]; transmitting video advertisements to the theaters over the network [Paragraph 23 lines 1-5; Figure 1].

Svoboda does not disclose transmitting display schedules of the transmitted video advertisements to the theaters over the network.

Hughes et al. teach transmitting display schedules of the transmitted advertisements to elevators over a computer network [col. 5 lines 12-25; claim 20];

Displaying the advertisements according to the transmitted schedule, based on the demographics of the viewership [col. 6 lines 63-65; col. 1 lines 58-67 and col. 2 lines 1-20].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the scheme disclosed by Hughes et al. in a theater environment. Hughes et al. supplies the motivation for the above modification: "What is needed, then, is a method and apparatus for controlling on a large scale the distribution and control of advertisements..." (col. 3 lines 8-10).

Svoboda and Hughes et al. do not teach substituting the transmitted video advertisements for the feature film being projected at said theater so the transmitted video advertisements are displayed on the screen according to the schedules.

Lindstrom discloses substituting advertisement material for video signals by superimposing the advertisements over the accessed video signals [col. 5 lines 7-16] according to an advertisement schedule [col. 2 lines 58-65].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the scheme disclosed by Lindstrom in a cinema. The motivation would have been to provide economic and automatic insertion of advertisements into a scheduled broadcast transmission, such as a transmission to a cinema [col. 2 lines 25-31].

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda, US Pub. No. 2002/0138832, in view of Hughes et al., US Patent 6,288,688,

and further in view of Lindstrom, US Patent 5,029,014 as applied to claim 1 above, and in further view of Cannon, US Patent 6,286,005.

Regarding claims 3 and 4, Cannon discloses distributing different advertisement display schedules and plans (content) to users (i.e. theater) [col. 30 lines 61-68 and col. 31 lines 1-10 – the “plan” as described by Cannon consists of both content and schedule].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the system as disclosed by Cannon in a cinema environment. The motivation would have been to vary advertisement plans in order to “create an optimal campaign which effectively utilizes a finite combination of resources to communicate to the target audience” “based on the demographic make-up of the viewing population” (col. 1 lines 63-67 and col. 2 lines 1-16)

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda, US Pub. No. 2002/0138832, in view of Hughes et al., US Patent 6,288,688, and further in view of Lindstrom, US Patent 5,029,014 as applied to claim 1 above, and in further view of Kramer, US Patent 4,931,871.

Regarding claim 5, Kramer discloses a system for compiling a log of the video advertisements actually displayed [col. 3 lines 40-61]. At the time of the invention it would have been obvious to one of ordinary skill in the art to compile a log of program segments that were broadcast in their entirety. The motivation would have been to

satisfy the need for a "faster, more reliable, automated means of verifying broadcasts." (Kramer col. 2 lines 43-47)

Regarding claim 6, Kramer discloses a system for stamping the advertisement identification and verification information with the time and date of its display [col. 3 lines 40-61]. At the time of the invention it would have been obvious to one of ordinary skill in the art to time- and date-stamp the verification information contained in the logs. The motivation would have been to satisfy the need for a "faster, more reliable, automated means of verifying broadcasts." (Kramer col. 2 lines 43-47).

Regarding claim 7, Kramer discloses transmission of identification data to a central reconciliation location [col. 3 lines 50-61]. At the time of the invention it would have been obvious to one of ordinary skill in the art to transmit the identification data to a central reconciliation unit. The motivation would have been to satisfy the need for a "faster, more reliable, automated means of verifying broadcasts." (Kramer col. 2 lines 43-47).

Regarding claim 8, Kramer discloses a method of comparing the received transmission of identification data with the original advertisement schedule [col. 3 lines 53-61].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the verification scheme disclosed by Kramer in a movie theater environment. The motivation would have been for advertisers to automatically verify that commercial messages are being played in a theater, using a method and system where the verification is both simple and reliable (col. 2 lines 63-68; col. 3 lines 1-9).

5. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda, US Pub. No. 2002/0138832, in view of Hughes et al., US Patent 6,288,688, and further in view of Lindstrom, US Patent 5,029,014 as applied to claim 1 above, and in further view of Chaum, US Patent 5,959,717.

Regarding claim 9, Chaum discloses measuring one or more parameters representative of attendance at the theaters [col. 9 lines 65-67 and col. 10 lines 1-16]. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the attendance and demographic measurement scheme disclosed by Chaum in combination with the instant invention. The motivation being to solve "the lack of adequate methods of determining audience demographics (e.g., audience counts, age distribution, sex distribution, eating and sitting habits, etc.), and the need to create interactivity and special effects to enhance competitiveness with home entertainment." (col. 1 lines 33-43).

Regarding claim 10, Chaum discloses measuring one or more parameters representative of audience demographics at the theaters [col. 9 lines 65-67 & col. 10 lines 1-32]. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the attendance and demographic measurement scheme disclosed by Chaum in combination with the instant invention. The motivation being to solve "the lack of adequate methods of determining audience demographics (e.g., audience counts, age distribution, sex distribution, eating and sitting habits, etc.), and the need to

create interactivity and special effects to enhance competitiveness with home entertainment." (col. 1 lines 33-43)

Regarding claims 11 and 12, Chaum discloses transmitting the one or more parameters representative of attendance and demographics to a remote location [col. 10 lines 33-35]. Chaum does not explicitly disclose transmitting this information over a computer network. However, Hughes et al. teach transmitting display schedules of the transmitted advertisements to elevators over a computer network [col. 5 lines 12-25; claim 20. It would have been obvious to one of ordinary skill in the art at the time of the invention to use this computer network to transmit the parameters representative of attendance and demographics along with the display schedules to a remote location. The motivation for this modification is provided by Hughes: "What is needed, then, is a method and apparatus for controlling on a large scale the distribution and control of advertisements..." (col. 3 lines 8-10).

Regarding claim 13, Chaum discloses changing the display schedule at said theater in the course of the projection of the film [col. 10 lines 48-61].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the attendance and demographic measurement scheme disclosed by Chaum in combination with the instant invention. The motivation being to solve " the lack of adequate methods of determining audience demographics (e.g., audience counts, age distribution, sex distribution, eating and sitting habits, etc.), and the need to create interactivity and special effects to enhance competitiveness with home entertainment." (col. 1 lines 33-43)

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda, US Pub. No. 2002/0138832, in view of Hughes et al., US Patent 6,288,688, and further in view of Lindstrom, US Patent 5,029,014 as applied to claim 1 above, and in further view of Kanevsky et al., US Pub No 2003/0088463.

Regarding claim 15, Kanevsky discloses a system in which video advertisements are generated electronically [Paragraph 24 – Kanevsky discloses an advertising system 100 which distributes advertisements to theatres 106 via a network 99].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to display electronically generated advertisements as taught by Kanevsky (i.e. a known technique) in a cinema environment as taught by the combination of Svoboda, Hughes et al. and Lindstrom (i.e. the base device). One of ordinary skill in the art at the time of the invention would have recognized that applying this known technique to this base device would have yielded predictable results.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00am - 5:00am EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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